



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: North 40 Advisory Committee

From: Sandy L. Baily, Assistant Director of Community Development

Subject: North 40 Advisory Committee Meeting Report

Date: May 17, 2013

BACKGROUND:

Last year the North 40 Advisory Committee (AC) spent over six months extensively discussing and analyzing the components necessary to begin the preparation of the draft North 40 Specific Plan (Draft Plan). The AC provided direction on the following components of the Draft Plan:

- Primary Uses consistent with the Town Council's North 40 Vision and Guiding Principles
- Key Development Standards
- General Location of Land Uses
- Development Parameters (square footage and number of residential units)

Exhibit 1 lists consensus points from April 24 to June 5, 2012 AC meetings which provided the foundation for the development of the Draft Plan document. Additional direction was provided at the August 21, 2012, meeting (included further in this memo). Subsequent to the AC completing this initial direction in August, Town staff and consultants began preparing the Draft Plan and Draft Environmental Impact Report (DEIR). A scoping meeting for the DEIR was held on March 6, 2013, and approximately 20 members of the public attended the meeting.

The Draft Plan has been drafted for its first review by the AC. The Draft Plan includes a number of requirements and guidelines that establish a framework for future development while still allowing room for design creativity. These guidelines and requirements work together to guide development of a new neighborhood that supports the Town Council's Vision Statement. The requirements are in some cases more stringent and restrictive than existing Town Code and in some cases more flexible. There are specific requirements on topics such as height, perimeter zone, setbacks, open space, lot coverage, maximum number of units allowed, maximum square feet allowed for commercial, limitations on size of commercial stores, and limitation of size of residential units. It should be noted that various sections of the Draft Plan are marked in red since final studies are still being prepared through the environmental process which are necessary to complete these sections.

DISCUSSION:

The intention of this meeting is to confirm previous direction provided by the AC and discuss the contents of the Draft Plan. It should be noted that the Draft Plan was prepared based on the direction provided in the AC Summary of Agreements below and if any change in direction is made by the AC, the Draft Plan will require modification to incorporate the change.

A. Direction Summary

Summary of the AC's Agreements from the August 15 and 21, 2012, meetings: At the August 15 and 21, 2012, AC meetings, the AC completed its review and provided direction on the key Specific Plan components. The list of primary uses and table below provides a summary of the AC's Agreements from the two August 2012 meetings and how the Draft Plan addresses each topic.

AC Summary of Agreements from August 15 and 21 2012, Meetings

No.	AC Direction	Vote	How Addressed in Draft Plan
1.	<p>Agree with Three District concepts with following modifications:</p> <ul style="list-style-type: none"> • Add overlay (similar to Lark and Los Gatos Boulevard) to the Highway 17 side of the property. • Make the demarcations between the Districts less precise (fuzzy, Ecotones), align edges with infrastructure such as roadways, and allow for flexibility of uses within the ecotones so that there is compatibility/consistency of the uses on each side of the street. • Consider redrawing district boundaries diagonally rather than a vertical alignment. 	11/0	<p>Page 2-14 Section 2.5.4.d</p> <p>Page 2-3 Section 2.3, Figure 2-1 on page 2-5 and Page 2-14 Section 2.5.3</p> <p>See discussion in Section B of this memo</p>
2.	Not eliminating single-family as a use.	7/4	Refer to Item No. 14 in this Table
3.	Not adding single-family uses to the Transition or Northern Districts.	*	Page 2-4 Sections 2.3.2 and 2.3.3
4.	Adding restaurant use to the list of uses allowed in the Lark District.	11/0	Page 2-3 Section 2.3.1
5.	Adding specialty market use to the list of uses allowed in the Northern District.	11/0	Page 2-4 Section 2.3.3
6.	Add a vision description in Specific Plan for each District and add a hierarchy of primary uses.	*	Pages 2-3 and 2-4 Sections 2.3.1, 2.3.2 and 2.3.3

No.	AC Direction	Vote	How Addressed in Draft Plan
7.	Use current Town standards for the CH Zoning District, unless it is demonstrated that a variation to the standards is needed to better support the North 40 Vision Statement.	*	Pages 2-16 through 2-20 for commercial. Pages 2-22 and 2-23 Sections 2.6.4 and 2.6.5 for mixed use. Pages 2-28 through 2-31 for residential and see discussion in Section B of this memo
8.	Clarify that the additional 5 percent of open space required for the building height increase in the Transition District is “common green open space” and not private open space or parking lot.	*	Pages 2-12 and 2-23 Sections 2.5.2.1.c and 2.6.6.b
9.	Modify the office height requirement to read “Additional height may be allowed with a CUP approval in the Transition and Northern Districts.”	6/5	Page 2-23 Section 2.6.6.a
10.	Add additional finding to the height exception language to protect views.	11/0	Page 2-24 Section 2.6.6.f.iii
11.	Add a policy to locate buildings greater than 35 feet in height in areas where the existing natural grade (using the existing Town Code definition for defining height) is equivalently lower than Los Gatos Boulevard.	7/4	Page 2-23 Section 2.6.6.d
12.	Private Open Space standard is fine with the following revisions: <ul style="list-style-type: none"> Replace the 100 sf. maximum requirement with 200 sf. maximum per unit on Ground Floor Private Open Space 	10/1	Page 2-26 Section 2.7.2
13.	Increase the office and hotel square footage to 125,000 each and decrease the residential square footage by 50,000 sf.	10/1	Page 2-10 Table 2-2 and Page 2-27 Table 2-8
14.	Exclude single-family detached with the exception of the cottage cluster units that are included in the Affordable Housing Overlay Zone Guidelines. Cottage cluster product type is subject to CUP approval.	10/3	Page 2-29 Section 3.3 and Table 2-9
15.	Reduce the residential units in from 400 to 364 and establish a cap on residential square footage for the entire site.	13/0	Page 2-10 Table 2-2 and Page 2-27 Table 2-8

No.	AC Direction	Vote	How Addressed in Draft Plan
16.	Development Parameters Table: <ul style="list-style-type: none"> The percentage limits will apply to the amount of commercial square footage that is built, which may be less than 400,000 sf. Include the requirement for an Economic Balance Analysis as part of the project implementation. 	12/1	Page 2-25 Table 2-7 TBD

*No vote taken, but agreement reached

B. Review of Draft Plan

This Draft Plan includes a number of requirements and guidelines that establish a framework for future development while still allowing room for design creativity. Following are topics that staff and the consultant have identified for discussion. It is anticipated that the AC will have additional topics for discussion. In regards to the review of the document, it is requested that any editing comments (i.e.: spelling and typos) be forwarded separately to Town staff as opposed to being discussed at an AC meeting.

Open Space (Pages 2-11 to 2-13) – Requirements have not changed since the August AC packet but have been refined as follows:

- Defining 5% open space requirement associated with a height bonus.
- Definitions for open space, green space, common green, common open space and hardscape have been included in the Draft Plan.
- Types of Open Space and Opens Space Standards.

Residential Setbacks (Pages 2-28 to 2-31) – The proposed North 40 development standard table in the August AC packet suggested using existing Town Standards for residential setbacks with the addition of allowing a five foot encroachment for porches and balconies. In order to better support the N40 vision statement in designing housing to meet unmet needs, customized interior street setbacks have been provided (refer to page 2-28 Section 2.7.5).

Residential Parking (Page 2-14) – Town Code requires parking based on the type of unit (i.e.: townhome/condo, apartment). The Draft Plan has been drafted to base the parking requirement on the number of bedrooms proposed within a dwelling unit. The basis for this calculation is as follows:

- Existing residential Town standards are appropriate for traditional neighborhoods with larger homes. The North 40 is targeting the unmet residential needs in Los Gatos with smaller units and fewer bedrooms.
- Comparable small towns are using residential parking standards based on bedroom count.
- Consistent with recently approved Town Planned Developments and requires more parking than the AHOZ Design Guidelines.

- Due to primary roadways and freeways surrounding the Plan Area, adjustments to residential parking ratios will only impact users internal to the site. North 40 parking will not affect surrounding neighborhoods.

Size of Residential Units and Number of Bedrooms (Pages 2-7) – The goal is to encourage a mix of residential product types and sizes designed to target the unmet needs population.

Diagonal District Boundaries - In August 2012, the Advisory Committee suggested revising the District Map by make the demarcations between districts less precise to allow for compatible uses and building forms to frame a street rather than a street being framed by two different districts. The Specific Plan District Map now illustrates this concept with a black hatch mark that extends 100 feet in either direction from the district boundary. This is called the District Edge Overlay Zone (refer to pages 2-5 and 2-14). Another idea suggested was for staff to consider redrawing the district boundaries diagonally rather than perpendicular to Los Gatos Boulevard. This diagonal option was explored and it was ultimately decided to keep the district line perpendicular to Los Gatos Boulevard. The basis for this decision included:

- The desire to have the district boundaries follow roadway pattern (specifically Noddin Avenue) so that the same uses and building form requirements would frame the street.
- To align with existing property lines, which will help during implementation.
- To align with proposed and existing infrastructure.

Direction from General Plan Committee (GPC) (Page 1-9) – In reviewing potential AHOZ sites, the GPC directed staff to discuss the possibility of including the N40 as a potential AHOZ site for the next Housing Element Cycle. Staff directed the consultant to include a statement in the Draft Plan regarding AHOZ which is noted in Section 1.5.4 for future discussion by the AC.

Non-Residential Tandem Parking (Page 2-15) – The Draft Plan has been written to allow tandem parking by an attendant with Town approval. The Draft Plan is currently silent on whether or not someone could charge for parking (whether or not there is an attendant or valet parking).

- Section 29.10.145(g)(1) of the Town Code specifically does not permit operators of private lots to charge for parking (Exhibit 2).
- Section 29.10.145 (g) (2) and (3) (Exhibit 2), allows valet parking in the Parking Assessment District, however, only permits a charge for the valet service if the Town charges for its lots, which it does not.

The AC should review this matter and determine whether or not parking and/or valet parking can be charged for its use.

NEXT STEPS:

The AC will continue to have a series of meetings to review the Draft Plan and to discuss the items noted in Sections A and B of this memo and provide a recommendation to the Planning Commission and Town Council. Once the AC has completed its review of the Draft Plan, the

DEIR will be completed. Depending on the AC review process, it is anticipated that a joint study session with the Planning Commission and Town Council may occur in August and the Final Draft Plan and the DEIR will be completed in the fall of 2013, and public hearings by the Planning Commission and Town Council will occur in late fall or early winter 2013.

Exhibits:

1. N40 AC Land Use Discussion Summary
2. Excerpt from the Town Code regarding commercial operation of parking spaces
3. Draft Specific Plan
4. Appendix to Specific Plan

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North 40 Advisory Committee Land Use Discussion Summary

Summary from 4/24/12, 5/16/12 and 6/5/12 Advisory Committee Meetings	
The North 40 should have a mix of land uses that are consistent with the Town Council Vision Statement and Guiding Principles and the General Plan. The Specific Plan will include goals, policies and standards that will control the size, type and quantity of key land uses. The Specific Plan will also provide a list of allowable uses that can be used to create the "mix of land uses," recognizing that not every use will be integrated into the final developer application.	
General Consensus	
All uses were discussed and a consensus was gained based on the principle that the recommended uses are an unmet need.	
The Specific Plan will use current Town standards for the CH Zoning District, unless it is demonstrated that a variation to the standards is needed to better support the North 40 Vision Statement. Refer to Attachment A.	
Restaurants	
General Consensus	
(4/24/12 and 5/16/12)	
Restaurants Summary: There seems to be support for restaurants and outdoor dining on the North 40, with a mix of restaurant types. The type and amount should be carefully thought out to avoid a regional draw and to complement downtown.	
Allow for a mix of formula and independent restaurants.	
Incorporate into Specific Plan controls and/or restrictions on restaurants to help protect downtown such as total square foot cap or percentage of total restaurants.	
Allow outdoor dining. Create unique dining setting by utilizing existing historic structures and orchard theme where feasible.	
Restaurants should be targeted for the North 40 neighborhood, the adjacent neighborhoods and surrounding employers needs (such as Good Samaritan).	
Eating and drinking establishments should be located to avoid conflicts with adjacent uses.	
The Specific Plan should not specify a theme for restaurants.	
Encourage neighborhood serving, family-oriented and restaurants that accommodate groups.	
Support continuation of the Boulevard Tavern with a CUP requirement for expansions over ____ sf.	
Bars may be allowed with specific criteria and/or added level of review. The revised Alcohol Beverage Policy shall apply.	
Bars in association with other uses such as hotel and restaurants may be allowed if not primary use.	

North 40 Advisory Committee Land Use Discussion Summary

Recreation and Entertainment General Consensus (4/24/12 and 5/16/12)	
Recreation and Entertainment Summary: Conference facilities and live theater are generally seen as an unmet need of Los Gatos. Plazas and venues for outdoor entertainment seem supportive as long as they are sized to avoid competition with downtown event space.	
Allow multi-purpose venue room, conference, meeting space to accommodate 200-250 people (part of hotel).	
The Specific Plan should not define the size of a multi-purpose venue.	
A movie theater is not an unmet need.	
Allow live theater.	
Allow outdoor entertainment that does not compete with downtown.	
Allow for the opportunity to create a space for live music without conflicting adjacencies.	
Allow Market Hall/Specialty Market.	
The Specific Plan should not control the Market Hall uses.	
The Specific Plan should prohibit a farmer's market.	
The Specific Plan should allow for indoor sport uses and not specify types.	
The Specific Plan should provide an open feel to the entire site and include passive open space.	
Encourage reuse of the existing historic structure(s).	
Office General Consensus (4/24/12 and 5/16/12)	
Office Summary: There is support for allowing office uses, particularly innovative and incubator type space.	
Allow flexible Class A office space.	

North 40 Advisory Committee Land Use Discussion Summary

Hotel General Consensus (4/24/12 and 5/16/12)
Hotel Summary: There is interest in allowing a hotel use to support the North 40 neighborhood as well as the Good Samaritan needs.
Allow hotel with meeting space to accommodate 200-250 people.
Do not define type of hotel or specify amenities, but target mid-range, business-oriented hotel.
Hotel complements office.
Retail General Consensus (4/24.12, 5/16.12, and 6/5/12)
Retail Summary: There is support for retail that is targeted for the North 40 neighborhood, the adjacent neighborhoods and surrounding employers such as Good Samaritan needs. Retail should not be the predominant use of the site. There are concerns with how to regulate retail in a way that will complement downtown and Los Gatos Boulevard uses instead of compete with them.
Use existing town standards as a starting point and integrate with Advisory Committee input.
Retail should be targeted for the North 40 neighborhood, the adjacent neighborhoods and surrounding employers needs (such as Good Samaritan).
Retail should be regulated in a way that will complement downtown and Los Gatos Boulevard uses instead of compete with them.
The Specific Plan should include standards to control and limit the size and quantity of retail.
The North 40 should incorporate a mix of uses with some level of retail included.
Retail should not be destination-oriented.
Residential General Consensus (4/24.12, 5/16.12, and 6/5/12)
Residential Summary: There is support to allow a mix of residential types that will minimize impacts to schools and traffic.
North 40 should allow residential focusing on 55+, empty nester, affordable, entry level and Generation Y products.
A variety of residential product types are allowed on the North 40 including single-family detached, attached, apartments and townhomes. The product design and size shall discourage housing types that would impact schools.
Density and location of housing should be located to minimize impacts on traffic, schools, air quality, conflicts between uses, while creating a walkable neighborhood.

Sec. 29.10.145. - Requirements generally.

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(g) *Commercial operation of parking spaces.*

- (1) All privately owned off-street parking spaces required to be provided by this division, or required by the administrative approval authorized by this chapter, shall be operated without charge to the users thereof. No privately owned parking lot which contains such spaces shall be operated commercially or under a validation system whereby parkers patronizing business for which the spaces are provided are admitted to the lot free of charge or at reduced charges and other parkers are charged a fee, and the admission of vehicles to such lots shall not be restricted by gates or other physical means during periods when the use or uses for which the spaces are required are in operation. The provisions of this section shall not be deemed to prohibit the posting of signs at entrances to such parking lots identifying the businesses or uses for whose benefits the lots are operated, prohibiting other parking under threat, and enforcing such prohibitions.
- (2) Notwithstanding subsection (1) above, a parking lot located within a town parking assessment district may be operated with a charge for its use under the following circumstances if the town has instituted and continues to maintain a charge for use of town owned or operated parking lots in the district:
 - a. A charge is made for use of the private parking lot that does not exceed the highest hourly rate charged by the town for use of its lots. Such a charge may include a validation system whereby parkers are admitted to the lot free of charge or at reduced charges if certain businesses are patronized and may also include restriction by gates or other physical means; or
 - b. Use of valet parking, so long as the parking lot is usable at all times during which the parking spaces are in operation as required by this chapter, and the use of the valet parking has been approved by the Development Review Committee pursuant to a parking lot permit; or
 - c. A combination of a charge and valet system.
- (3) Notwithstanding subsection (1) above, a private parking lot, or sections of a private parking lot located within a Town parking assessment district may be operated as a valet parking lot under the following circumstances:
 - a. The valet parking is provided without charge to the public; and
 - b. The valet parking lot service adheres to and maintains all fire codes and emergency access standards; and

- c. The valet parking lot service shall not impair the safe and efficient use of existing adjacent non-valet parking; and
- d. The private valet parking lot is approved by the Development Review Committee pursuant to a parking lot permit. The Development Review Committee shall have the ability to revoke the parking lot permit for valet parking with a minimum of ten (10) days' notice.

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